

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	8:05CR225
vs.)	
)	ORDER
THOMAS PATRICK McCORMICK,)	
)	
Defendant.)	

Defendant Thomas Patrick McCormick (McCormick) appeared before the court on May 20, 2008, on the Petition for Warrant or Summons for Offender Under Supervision (Report) (Filing No. 2). McCormick was represented by First Assistant Federal Public Defender Shannon P. O'Connor and the United States was represented by Assistant U.S. Attorney Kimberly C. Bunjer. Through his counsel, McCormick waived a probable cause hearing on the Report pursuant to Fed. R. Crim. P. 32.1(a)(1). I find there is probable cause that McCormick has violated the conditions of his supervised release as alleged, and McCormick should be held to answer for a final dispositional hearing before Chief Judge Joseph F. Bataillon.

The government moved for detention. Through counsel, McCormick declined to present any evidence and waived a detention hearing. Since it is McCormick's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, I find he has failed to do so. McCormick will be detained pending a dispositional hearing before Chief Judge Bataillon.

IT IS ORDERED:

1. A final dispositional hearing will be held before Chief Judge Joseph F. Batallion in Courtroom No. 3, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 1:00 p.m. on June 18, 2008**. Defendant must be present in person.
2. Defendant Thomas Patrick McCormick is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;
3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and
4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 20th day of May, 2008.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge